

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re: Asbestos Products Liability Litigation (No. VI); MDL 875

Regarding:
THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

ROBERT D. BELUE, ET AL.)	
)	
PLAINTIFFS)	
)	
V.)	CIVIL ACTION NO. 2:06-1034
)	
A.O. SMITH ELECTRICAL)	
PRODUCTS, CO., ET AL.)	
)	
DEFENDANTS)	

MOTION FOR PARTIAL SUMMARY JUDGEMENT

COME NOW Borg-Warner Corporation by its Successor, BorgWarner Morse TEC, Inc.; Exteco, Inc. f/k/a Thermo Electric Co. Inc.; and the Marley-Wylain Company d/b/a Weil-McLain Company, Inc. (hereinafter "Moving Defendants") and hereby move this Court for partial summary judgment in their favor and against certain Plaintiffs in this case. As grounds thereof, Moving Defendants would show unto the Court as follows:

1. There are fifteen plaintiffs in this case. Moving Defendants seek summary judgment and dismissals of the claims of 10 Plaintiffs on various grounds.
2. Moving Defendants are NOT seeking summary judgment against the following plaintiffs at the current time: Jack Boyer, Barbara Jones on behalf of Walter Jones, Ronald Norris, Penelope Perakis, and Frank Walther.

Undisputed Material Facts

3. As shown at Exhibit 1, pages 2-3, Plaintiff **Robert D. Belue** had his first B readings on September 13, 2004, more than two years prior to the filing of this lawsuit on November 17, 2006, making his claims for damages in this suit barred by the Alabama statute of limitations.

4. As shown at Exhibit 2, page 2, **Harold W. Cox, Sr.** died on February 2, 2005, in Alabama. As shown at Exhibit 3, page 2, no estate had been established for Harold W. Cox as of March 27, 2008. As now more than two years has expired since Mr. Cox's death, his claims for damages in this suit are barred by the Alabama statute of limitations.

5. As shown at Exhibit 1, pages 4-5, Plaintiff **Johnny A. Davis** had his first B readings on November 2, 2004, more than two years prior to the filing of this lawsuit on November 17, 2006, making his claims for damages in this suit barred by the Alabama statute of limitations. In addition, his last date of alleged exposure was in 1973. (See Complaint, Paragraph 4). Thus, the "discovery rule" of Ala. Code § 6-2-30(b) does not apply, since his alleged last exposure was prior to May 19, 1979 and his claims for damages in this suit are barred by the Alabama statute of limitations.

6. As shown at Exhibit 2, page 3, **Melvin Evans** died on November 12, 2005, in Alabama. As shown at Exhibit 3, page 3, no estate had been established for Melvin Evans as of March 27, 2008. As now more than two years has expired since Mr. Cox's death, his claims for damages in this suit are barred by the Alabama statute of limitations.

7. As shown at Exhibit 1, pages 17-19, Plaintiff **Issac L. Gibson** had a pathology report indicating his cancer on July 11, 2002, more than two years prior to the filing of this lawsuit on November 17, 2006, making his claims for damages in this suit barred by the Alabama statute of limitations.

8. As shown at Exhibit 2, page 4, **Charles R. Jones** died on December 28, 2004, in Alabama. As shown at Exhibit 3, pages 5-7, no estate was established for Charles R. Jones until March 18, 2008. Therefore, when the Complaint was filed regarding Mr. Jones' claim on November 17, 2006, Sara Jones was not his personal representative and the wrongful death claim was not properly filed. As Sara Jones did not file her petition to become the personal representative until March 18, 2008, there is no relation back and the claims regarding Mr. Jones are due to be dismissed pursuant to Alabama's statute of limitations.

9. As shown at Exhibit 2, page 5, **Mavis Kelly** died on December 18, 2003, in Alabama, meaning that the last available date to file a claim for wrongful death was December 18, 2005. However, this lawsuit was not filed until November 17, 2006. Therefore, this claim is barred by Alabama's wrongful death statute. Also, as shown at Exhibit 3, page 4, no estate had been established for Mavis Kelly until October 16, 2007. Therefore, even if the lawsuit had been timely filed, Ms. Partain did not timely seek letters of administration.

10. As shown at Exhibit 1, pages 6-9, Plaintiff **Walter Powell** has produced pathology reports showing that he knew or should have known of his asbestos claim on February 10, 2004. In the Complaint it is alleged that Mr. Powell is a Georgia resident. Georgia has a two years statute of limitations for asbestos claims (see Ga. Stat. Ann. § 9-3-33). Mr. Powell's pathology report is dated February 10, 2004, more than two years prior to the filing of this lawsuit on November 17, 2006, making his claims for damages in this suit barred by the Georgia statute of limitations.

11. As shown at Exhibit 2, page 6, **James Pruitt** died on September 6, 2006 in Alabama. However, this lawsuit, filed after Mr. Pruitt's death, was brought in the name of James Pruitt, who was deceased, making the filing a nullity. In addition, in the disclosures made pursuant to Administrative Order number 12 in this case, Mr. Pruitt has produced medical records indicating

he knew or should have known of his claim for injury allegedly caused by asbestos product on March 10, 1987. See Exhibit 1, pages 10-14. As Mr. Pruitt did not bring his claim on or before March 10, 1989, his claim is excluded by the Alabama statute of limitations.

12. As shown at Exhibit 2, page 7, **Edwin Semevolos** died on February 11, 2005 in Alabama. In the disclosures made pursuant to Administrative Order number 12 in this case, Plaintiff has produced medical records indicating Mr. Semevolos knew or should have known of his claim for injury allegedly caused by asbestos product on December 13, 2002. See Exhibit 1, pages 16-16. As Mr. Semevolos did not bring his claim on or before December 13, 2004, his claim is excluded by the Alabama statute of limitations. Further, even if not excluded for failure to bring the claim before December 2004, as shown at page 8 of Exhibit 3, the estate for Mr. Semevolos was not established until November 28, 2006, after the filing of this lawsuit on November 17, 2006. Therefore, even if the lawsuit had been timely filed, Ms. Cagle did not timely seek letters of administration.

13. Attached as Exhibit 4 is the Schedule of Parties required by MDL Rule 7.2 (a)(ii).

Conclusion

14. Moving Defendants contend that there is no genuine issue as to any material fact and that they are entitled to a judgment as a matter of law for the claims of the four Plaintiffs described herein.

WHEREFORE, PREMISES CONSIDERED, Moving Defendants respectfully request that their Motion for Partial Summary Judgment be granted as to the claims of the four Plaintiffs outlined herein, and that the claims against Moving Defendants and all other Defendants be dismissed with prejudice.

Respectfully submitted,

BORG-WARNER CORPORATION BY ITS
SUCCESSOR, BORGLARNER MORSE TEC,
INC.; EXTECO, INC. F/K/A THERMO ELECTRIC
CO. INC.; and THE MARLEY-WYLAIN
COMPANY D/B/A WEIL-MCLAIN COMPANY,
INC.

s/Rocky W. Eaton (EAT002)
COUNSEL FOR SAID DEFENDANTS

Of Counsel:

Rocky W. Eaton, EAT002

Aultman, Tyner, Ruffin & Swetman, Ltd.
315 Hemphill Street
P. O. Box 750
Hattiesburg, MS 39401
Phone: 601-583-2671
Facsimile: 601-583-2677

CERTIFICATE OF SERVICE

I hereby certify that I have on this 1st day of April, 2008 served a copy of the above and foregoing by electronic means via the CM/ECF to those registered with the CM/ECF.

s/ Rocky W. Eaton

Exhibit 1

MUSC

EDICAL UNIVERSITY
SOUTH CAROLINA

overing. Understanding. Healing.

VISION OF PULMONARY
AND CRITICAL CARE
DICINE, ALLERGY AND
INICAL IMMUNOLOGY
NATHAN LUCAS ST-STE 812 CSB
PO BOX 250630
CHARLESTON - SC 29425

(843) 792-3161
FAX (843) 792-0732
APPOINTMENTS
(843) 792-9200

October 13, 2006


Law Offices of G. Patterson Keahey
One Independence Plaza, Suite 612
Birmingham, AL 35209

RE: Robert D. Belue
[REDACTED]-1451

Dear Mr. Keahey:

I reviewed the information that you sent me concerning Mr. Belue. This includes an asbestos exposure history and an ILO "B-reading" dated 9/13/04. The ILO "B-reading" report reveals parenchymal abnormalities consistent with pneumoconiosis. There are interstitial changes in the mid and lower lung zones bilaterally, consisting of small and irregular opacities of size and shape t/s, profusion 1/0. There is also evidence of pleural pneumoconiosis and pleural thickening, bilaterally. From the above information, I have learned that Mr. Belue had a long-term exposure to airborne asbestos dust while employed as a general laborer for various locations from 1956-1999. Having reviewed the occupational history and the ILO reading showing bilateral interstitial and pleural lung disease, consistent with pneumoconiosis, it is my opinion, to a reasonable degree of medical certainty, that the changes revealed in the ILO report of 9/13/04 are causally related to the disease asbestosis because of Mr. Belue's occupational exposure to asbestos. I also find there is an appropriate latency interval between Mr. Belue's first date of exposure versus his first date of diagnosis.

Sincerely yours,



Alice Boylan, M.D.
/ag

ROBERT D BELUE

Testing

1544192534

DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICEOMB No.: 0920-0020
Exp. Date: 05/31/2004DATE OF RADIOGRAPH
MONTH DAY YEAR

07 15 2004

WORKER'S Social Security Number

[REDACTED] 1451

CENTERS FOR DISEASE CONTROL
National Institute for Occupational Safety and Health
Federal Mine Safety and Health Act of 1977
Medical Examination Program

ROENTGENOGRAPHIC INTERPRETATION

TYPE OF READING

☐ A ☒ B ☐ P

FACILITY IDENTIFICATION

[REDACTED]

Note: Please record your interpretation of a single film by placing an "x" in the appropriate boxes on this form.

1. FILM QUALITY		<input type="checkbox"/> Overexposed (dark)	<input type="checkbox"/> Improper position	<input type="checkbox"/> Underinflation
<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 3	<input checked="" type="checkbox"/> Underexposed (light)	<input type="checkbox"/> Poor contrast	<input type="checkbox"/> Mottle
(If not Grade 1, mark all boxes that apply)		<input type="checkbox"/> Artifacts	<input type="checkbox"/> Poor processing	<input type="checkbox"/> Other (please specify)
2A. ANY PARENCHYMAL ABNORMALITIES CONSISTENT WITH PNEUMOCONIOSIS?				
YES <input checked="" type="checkbox"/>			Complete Sections 2B and 2C	NO <input type="checkbox"/> Proceed to Section 3A
2B. SMALL OPACITIES		b. ZONES		c. PROFUSION
a. SHAPE/SIZE		R L		0/- 0/0 0/1
PRIMARY	SECONDARY			
p s	p <input checked="" type="checkbox"/>	UPPER		<input checked="" type="checkbox"/> 1/1 1/2
q <input checked="" type="checkbox"/>	q t	MIDDLE		2/1 2/2 2/3
r u	r u	LOWER		3/2 3/3 3/4
2C. LARGE OPACITIES				
SIZE <input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C Proceed to Section 3A				
3A. ANY PLEURAL ABNORMALITIES CONSISTENT WITH PNEUMOCONIOSIS?				
YES <input checked="" type="checkbox"/>			Complete Sections 3B, 3C	NO <input type="checkbox"/> Proceed to Section 4A
3B. PLEURAL PLAQUES (mark site, calcification, extent, and width)				
Chest wall		Extent (chest wall; combined for in profile and face on)		Width (in profile only) (3mm minimum width required)
In profile	Site	Up to 1/4 of lateral chest wall = 1		3 to 5 mm = a
Face on	Calcification	1/4 to 1/2 of lateral chest wall = 2		5 to 10 mm = b
Diaphragm		> 1/2 of lateral chest wall = 3		> 10 mm = c
Other site(s)				
3C. COSTOPHRENIC ANGLE OBLITERATION				
R L		Proceed to Section 3D		
3D. DIFFUSE PLEURAL THICKENING (mark site, calcification, extent, and width)				
Chest wall		Extent (chest wall; combined for in profile and face on)		Width (in profile only) (3mm minimum width required)
In profile	Site	Up to 1/4 of lateral chest wall = 1		3 to 5 mm = a
Face on	Calcification	1/4 to 1/2 of lateral chest wall = 2		5 to 10 mm = b
		> 1/2 of lateral chest wall = 3		> 10 mm = c
4A. ANY OTHER ABNORMALITIES?				
YES <input type="checkbox"/>			Complete Sections 4B, 4C, 4D, 4E	NO <input checked="" type="checkbox"/> Proceed to Section 5
4B. OTHER SYMBOLS (OBLIGATORY)				
aa at ax bu ca cg cn co cp cv di ef en es ft hi ho id ih kl me pa pb pi px ra rp tb				
OD If other diseases or significant abnormalities, findings must be recorded on reverse. (section 4C/4D)				
Date Physician or Worker notified?				
MONTH DAY YEAR				
4E. Should worker see personal physician because of findings in section 4? YES <input type="checkbox"/> NO <input type="checkbox"/>				
Proceed to Section 5				

5. PHYSICIAN'S Social Security Number*

[REDACTED]

*Furnishing your social security number is voluntary. Your refusal to provide this number will not affect your right to participate in this program.

FILM READER'S

INITIALS

AJS

DATE OF READING

MONTH DAY YEAR
09 13 2004S.C.H.O.N.F.E.L.D. ALVIN J. 438 W. ST. JAMES PL.
LAST NAME - STREET ADDRESSC.H.I.C.A.G.O.
CITYCDC/NIOSH (M) 2.8
REV. 6/02

STATE

ZIP CODE

CENTERS FOR DISEASE CONTROL
National Institute for Occupational Safety and Health
Federal Mine Safety and Health Act of 1977
Medical Examination Program

DATE OF RADIOGRAPH

MONTH		DAY		YEAR			
0	8	0	6	2	0	0	4

WORKER'S Social Security Number

IDENTIFICATION INTERPRETATION

TYPE OF READING

FACILITY IDENTIFICATION

NOTE: Please record your interpretation of a single film by placing an "x" in the appropriate boxes on this form.

A B P

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1. FILM QUALITY <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> U/R <small>(If not Grade 1, mark all boxes that apply)</small> </div> <div style="width: 30%;"> <input type="checkbox"/> Overexposed (dark) <input checked="" type="checkbox"/> Underexposed (light) <input type="checkbox"/> Artifacts </div> <div style="width: 30%;"> <input checked="" type="checkbox"/> Improper position <input type="checkbox"/> Poor contrast <input type="checkbox"/> Poor processing </div> <div style="width: 30%;"> <input type="checkbox"/> Underinflation <input type="checkbox"/> Mottle <input type="checkbox"/> Other (please specify) _____ </div> </div>		<div style="font-size: 2em; font-family: cursive;">Scapula</div>																																													
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4B. OTHER SYMBOLS (OBLIGATORY) <div style="display: flex; justify-content: space-between;"> <div style="width: 80%;"> <table border="1" style="width: 100%; text-align: center;"> <tr> <td>as</td><td>al</td><td>ax</td><td>bu</td><td>cs</td><td>cg</td><td>cn</td><td>co</td><td>cp</td><td>cv</td><td>di</td><td>ef</td><td>em</td><td>es</td><td>fr</td><td>hi</td><td>ho</td><td>id</td><td>ih</td><td>kl</td><td>mc</td><td>pa</td><td>pb</td><td>pi</td><td>px</td><td>ra</td><td>rp</td><td>tb</td> </tr> </table> </div> <div style="width: 20%;"> <input type="checkbox"/> OD </div> </div> <p><small>If other diseases or significant abnormalities, findings must be recorded on reverse (section 4C/4D)</small></p>				as	al	ax	bu	cs	cg	cn	co	cp	cv	di	ef	em	es	fr	hi	ho	id	ih	kl	mc	pa	pb	pi	px	ra	rp	tb																
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5. **PHYSICIAN'S Social Security Number***

* Furnishing your social security number is voluntary. Your refusal to provide this number will not affect your right to participate in this program.

FILM READER'S
INITIALS

DATE OF READING _____

SCHONFELD ALVIN 438 (W) ST JAMES

C.H.I.C.A.G.O

CITY CDC/NIOSH (M) 2.8

IL 60614
STATE ZIP CODE

843 792 0732

MUSC Pulmonary

10:04:36 a.m.

07-28-2006

6/87

MUSC

EDICAL UNIVERSITY
OF SOUTH CAROLINA

discovering. Understanding. Healing.

DIVISION OF PULMONARY
AND CRITICAL CARE
MEDICINE, ALLERGY AND
CLINICAL IMMUNOLOGY
NATHAN LUCAS ST-STE812CSB
PO BOX 250630
CHARLESTON - SC 29425

(843) 792-3161
FAX (843) 792-0732
APPOINTMENTS
(843) 792-9200

July 14, 2006

Law Offices of G. Patterson Keahey
One Independence Plaza, Suite 612
Birmingham, AL 35209

RE: Johnny A. Davis
[REDACTED] 9306

Dear Mr. Keahey:

I reviewed the information that you sent me concerning Mr. Davis. This includes an asbestos exposure history and an ILO "B-reading" dated 11/02/04. The ILO "B-reading" report reveals parenchymal abnormalities consistent with pneumoconiosis. There are interstitial changes in the mid and lower lung zones bilaterally, consisting of small and irregular opacities of size and shape t/s, profusion 1/0. There is also evidence of pleural pneumoconiosis and pleural thickening, bilaterally. From the above information, I have learned that Mr. Davis had a long-term exposure to airborne asbestos dust while serving in the U.S. Army from 1968 to 1973 and while employed as a general laborer for Johns Manville from 1968 to 1973 and Sunshine Homes from 1973 to 1992. Having reviewed the occupational history and the ILO reading showing bilateral interstitial and pleural lung disease, consistent with pneumoconiosis, it is my opinion, to a reasonable degree of medical certainty, that the changes revealed in the ILO report of 11/02/04 were substantially contributed to by Mr. Davis' occupational exposure to asbestos. I also find there is an appropriate latency interval between Mr. Davis' first date of exposure versus his first date of diagnosis.

Sincerely yours,


Alice Boylan, M.D.
/ag

Nov 19 04 03:57p

Law Office Of G. Patterson 2058710801

p.21

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OF SOUTH CAROLINA

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DIVISION OF PULMONARY
AND CRITICAL CARE
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CLINICAL IMMUNOLOGY
JONATHAN LUCAS ST • STE812CSB
PO BOX 250630
CHARLESTON • SC 29425

(843) 792-3161
FAX (843) 792-0732
APPOINTMENTS
(843) 792-9200

November 19, 2004

Law Offices of G. Patterson Keahey
One Independence Plaza, Suite 612
Birmingham, AL 35209

RE: Walter Powell
[REDACTED] 8559

Dear Mr. Keahey:

I reviewed the information that you sent me concerning Mr. Powell. This includes an asbestos exposure history and a Pathology Report dated 02-10-04. The Pathology Report reveals poorly differentiated squamous cell carcinoma with lymphatic invasion with primary lung origin, typical of previous asbestos exposure indicating asbestosis. From the above information, I have learned that Mr. Powell had a long-term exposure to airborne asbestos dust while employed as an engineer for the U.S. Army from 1970-1973 and in Columbus Foundries from 1974-present. Having reviewed the occupational history and the Pathology Report indicating poorly differentiated squamous cell carcinoma with lymphatic invasion with primary lung origin, it is my opinion, to a reasonable degree of medical certainty, that the changes revealed in the Pathology Report of 02-10-04 are causally related to the disease asbestosis because of Mr. Powell's occupational exposure to asbestos. I also find there is an appropriate latency interval between Mr. Powell's first date of exposure versus his first date of diagnosis.

Sincerely yours,


Alice Boylan, M.D.
sk

quant opportunity employer,

02/14/2004 04:07 7063275740

AL PICKEN

Page: 002 of 3



John Stich, M.D., Medical Director

David Martin, Ph.D., M.D.

Frank Willett, M.D.

Department of Pathology

3122 Manchester Expressway
Columbus, GA 31904
Tel # (706) 596-4100
Fax # (706) 596-4111

Patient: POWELL, WALTER

Pathology No.: S-04-00634

Med Record No: 4229910

Date Collected: 2/10/04

Physician: T. Lawhorne

Date of Birth: [REDACTED]

Date Received: 2/10/04

Dr Referring:

Sex: M

Age: [REDACTED]

Race: B

Procedure Place: BPH

Location: ICU009

Account Number: 30171327

Clinical History: Lung lesion
Specimen: A. LLL Lobectomy

SURGICAL PATHOLOGY REPORT

Intraoperative Consult:

Lung, left lower lobe, lobectomy - Squamous cell carcinoma. Bronchial margin free of tumor (wfw)

Final Diagnosis:

- A. LUNG, LEFT LOWER LOBE, LOBECTOMY:
- HIGH GRADE POORLY DIFFERENTIATED SQUAMOUS CELL CARCINOMA WITH PROMINENT NECROSIS
 - PLEURA AND BRONCHIAL MARGIN ARE FREE OF TUMOR
 - POSITIVE FOR LYMPHATIC INVASION
 - SEVEN LYMPH NODES NEGATIVE FOR METASTATIC DISEASE
- B. LYMPH NODES, HIGH BRONCHIAL, BIOPSY:
- FOUR LYMPH NODES NEGATIVE FOR METASTATIC DISEASE

QA. JS

Gross Description:

- A. Received fresh for frozen section labeled 'left lower lobe nodule is a lobectomy specimen which weighs 198 grams and measures 15.0 x 8.3 x 3.5 cm. Over the medial aspect of the lobe there is identified a palpable nodule. This nodule is 4.0 cm from the bronchial margin. Cut surface shows a highly suspicious and centrally necrotic nodule which measures 2.5 x 1.8 x 2.0 cm. On sectioning through the lesion a possible bronchial origin site is identified. Peribronchial lymph nodes are identified which are not grossly suspicious. Tumor does appear to abut the pleura but does not grossly involve it. No other suspicious nodules are identified in the lung parenchyma. Representative sections are submitted as follows.
1. Bronchial margin, frozen section control
 2. Tumor, frozen section control
 - 3-6. Tumor
 7. Peribronchial lymph nodes (wfw)

PATIENT
PATH #
MR#

POWELL, WALTER
S-04-00634
4229910

02/14/2004 04:07 7063275740
Date: 02/11/04 Time: 04:58 PM To: T. Lawhorne ; 3/11/02/01

AL PICKEN

PAGE 02

Patient: POWELL, WALTER

Physician T. Lawhorne

Path No: S-04-00634

- B. Received in formalin in a container labeled 'high bronchial node' are three fragments of anthracotic black soft tissue ranging from 2.1 - 0.7 cm in greatest dimension. Cut surface shows typical anthracotic lymph nodes. Two smaller nodes are submitted in cassette B1. The largest node is bisected and entirely submitted in cassette B2. (wfw)

Microscopic Description:

LUNG CANCER SUMMARY

A. Gross Findings:

1. Size of tumor: 2.3 cm
2. Distance from visceral pleura: 2.0 mm
3. Distance from bronchial margin: 4.0 cm
4. Origin in bronchus determined: Yes
5. Involvement of lymph nodes: No

B. Microscopic:

1. Histologic type: Squamous
2. Histologic grade: III
3. Lymphatic invasion: Yes
4. Vascular invasion: No
5. Bronchial margin involved: No
6. Visceral pleura involved: No
7. Chest wall invasion: No
8. Lymph nodes, peribronchial (N1 nodes): 11 With metastases: 0
9. Lymph nodes, mediastinal (N2 nodes): 0 With metastases: NA

T1, N0, Mx; Stage - IA

W. Frank Willett III, M.D.
Pathologist
Electronically signed Feb 11, 2004

PATIENT:
PATH #
MR#

POWELL, WALTER
S-04-00634
4229210

WALTER POWELL

DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICEDATE OF RADIOGRAPH
MONTH DAY YEAR
03 26 2004CENTERS FOR DISEASE CONTROL
National Institute for Occupational Safety and Health
Federal Mine Safety and Health Act of 1977
Medical Examination ProgramCoal Workers' Health Surveillance Program
NIOSH
PO Box 4258
Morgantown, West Virginia 26504

WORKER'S Social Security Number

ROENTGENOGRAPHIC INTERPRETATION

[REDACTED] 8559

TYPE OF READING

☐ A ☒ B ☐ P

FACILITY IDENTIFICATION

[REDACTED]

Note: Please record your interpretation of a single film by placing an "x" in the appropriate boxes on this form.

1. FILM QUALITY		<input type="checkbox"/> Overexposed (dark)	<input checked="" type="checkbox"/> Improper position	<input type="checkbox"/> Underinflation
<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 3	<input type="checkbox"/> Underexposed (light)	<input type="checkbox"/> Poor contrast	<input type="checkbox"/> Mottle
(If not Grade 1, mark all boxes that apply)		<input type="checkbox"/> Artifacts	<input type="checkbox"/> Poor processing	<input type="checkbox"/> Other (please specify)
2A. ANY PARENCHYMAL ABNORMALITIES CONSISTENT WITH PNEUMOCONIOSIS? YES <input checked="" type="checkbox"/> Complete Sections 2B and 2C NO <input type="checkbox"/> Proceed to Section 3A				
2B. SMALL OPACITIES		b. ZONES		c. PROFUSION
a. SHAPE/SIZE		R L		0/- 0/0 0/1
PRIMARY	SECONDARY			1/0 1/1 1/2
p q r	p q r	UPPER MIDDLE LOWER		2/1 2/2 2/3
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			3/2 3/3 3/4
2C. LARGE OPACITIES				
SIZE <input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C Proceed to Section 3A				
3A. ANY PLEURAL ABNORMALITIES CONSISTENT WITH PNEUMOCONIOSIS? YES <input checked="" type="checkbox"/> Complete Sections 3B, 3C NO <input type="checkbox"/> Proceed to Section 4A				
3B. PLEURAL PLAQUES (mark site, calcification, extent, and width)				
Chest wall		Site		Calcification
In profile	<input checked="" type="checkbox"/> R <input type="checkbox"/> L	<input checked="" type="checkbox"/> R <input type="checkbox"/> L		
Face on	<input checked="" type="checkbox"/> R <input type="checkbox"/> L	<input checked="" type="checkbox"/> R <input type="checkbox"/> L		
Diaphragm	<input checked="" type="checkbox"/> R <input type="checkbox"/> L	<input checked="" type="checkbox"/> R <input type="checkbox"/> L		
Other site(s)	<input checked="" type="checkbox"/> R <input type="checkbox"/> L	<input checked="" type="checkbox"/> R <input type="checkbox"/> L		
3C. COSTOPHRENIC ANGLE OBLITERATION <input checked="" type="checkbox"/> R <input type="checkbox"/> L Proceed to Section 3D NO <input type="checkbox"/> Proceed to Section 4A				
3D. DIFFUSE PLEURAL THICKENING (mark site, calcification, extent, and width)				
Chest wall		Site		Calcification
In profile	<input checked="" type="checkbox"/> R <input type="checkbox"/> L	<input checked="" type="checkbox"/> R <input type="checkbox"/> L		
Face on	<input type="checkbox"/> R <input checked="" type="checkbox"/> L	<input checked="" type="checkbox"/> R <input type="checkbox"/> L		
4A. ANY OTHER ABNORMALITIES? YES <input type="checkbox"/> Complete Sections 4B, 4C, 4D, 4E NO <input checked="" type="checkbox"/> Proceed to Section 5				
4B. OTHER SYMBOLS (OBLIGATORY)				
aa al an bu ca cg cn co cp cv di ef em es fr hi ho id ih kl me pa pb pi px ra rp th				
OD If other diseases or significant abnormalities, findings must be recorded on reverse. (section 4C/4D) Date Physician or Worker notified?				
MONTH DAY YEAR				
4E. Should worker see personal physician because of findings in section 4? YES <input type="checkbox"/> NO <input type="checkbox"/>				
Proceed to Section 5				

5. PHYSICIAN'S Social Security Number*

[REDACTED] 5525

*Furnishing your social security number is voluntary. Your refusal to provide this number will not affect your right to participate in this program.

FILM READER'S INITIALS

AJS

DATE OF READING

MONTH DAY YEAR
05 30 2004

SCHONFELD ALVIN 438 W ST JAMES

LAST NAME - STREET ADDRESS

CHICAGO

CITY CDC/NIOSH (M) 2.8

STATE

ZIP CODE

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Allergy and
Clinical Immunology
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PO Box 250630
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(843) 792-9200

December 20, 2004

Law Offices of G. Patterson Keahey
One Independence Plaza, Suite 612
Birmingham, AL 35209

RE: James R. Pruitt
[REDACTED] 8214

Dear Mr. Keahey:

I reviewed the information that you sent me concerning Mr. Pruitt. This includes an asbestos exposure history and a Pathology Report dated 03-10-87. The Pathology Report reveals moderately well differentiated adenocarcinoma of the lung, typical of previous asbestos exposure. From the above information, I have learned that Mr. Pruitt a long-term exposure to airborne asbestos dust while employed as a welder/cutter and a general laborer for various companies from 1952-1958 and then served in the US Army as a truck driver. He again was employed as a welder/cutter from 1958-1987. Having reviewed the occupational history and the Pathology Report indicating 1 of the lung, consistent with moderately well differentiated adenocarcinoma, it is my opinion, to a reasonable degree of medical certainty, that the changes revealed in the Pathology Report of 03-10-87 are causally related to Mr. Pruitt's occupational exposure to asbestos. I also find there is an appropriate latency interval between Mr. Pruitt's first date of exposure versus his first date of diagnosis.

Sincerely yours,


Alice Boylan, M.D.
sk

Baptist Medical Center Montclair
800 Montclair Road
Birmingham, Alabama 35213

SURGICAL PATHOLOGY REPORT

PAGE 1

PATIENT PRUITT, JAMES R. BIRTH DATE 3/35/35 ACCESSION NO. 87-M-1607
PHYSICIAN CLAYTON DR O W SURGERY DATE 3/10/87 REPORT DATE 3/11/87
LOCATION SPC AGE SEX M HOSPITAL NO. 302610

CLINICAL: Lung tumor and hemoptysis

SPECIMEN: 1. Hilar lymph node
2. Left upper lobe/Left 3rd, 4th, and 5th rib
3. Mediastinal node and hilar node
4. Portion LLL
5. Pleural of left chest
6. Left lung

FROZEN SECTION: 1. Benign lymph nodes (ojs)
2a Tumor on exterior surface of intercostal muscle margin (ojs)
2b Tumor in bronchial margin (ojs)

GROSS:

Six specimens are received.

Specimen #1 is received fresh for frozen sectioning and is labeled hilar lymph node. Present in the container are multiple fragments of dark red to gray tissue measuring upon reconstruction approximately 2.5 x 1.6 x 0.8 cm. in aggregate. The tissue is soft and no areas of calcification or tumor is identified grossly. A portion of the specimen is frozen at the time of frozen section and is submitted for permanent sectioning in two cassettes labeled (FSC#1). The remainder of the specimen is submitted in a single cassette labeled (#1).

Specimen #2 is received fresh for frozen sectioning and is labeled left upper lobe. Present in the container is a lobectomy specimen with attached rib, pleura and intercostal muscles. The specimen weighs 476 gms. and measures 23.5 x 14.5 x 7.5 cm. The lung measures 15.0 x 13.5 x 5.0 cm. The pleura is dark red with focal areas of gray-black anthercotic pigmentation. The pleura surface of the lung is adhered to the overlying parietal pleura and portions of three ribs as well as intercostal muscles are present. The total portion of chest wall attached to the specimen measures 12.0 x 8.0 x 1.5 cm. The ribs measure 10.2, 12.5 and 13.0 cm. in length each. There is a very large well defined tumor mass present in the portion of lung beneath the attached chest wall. It measures 7.5 x 7.0 x 7.0 cm. It is gray to tan on cut surface and contains focal areas of dark black-gray discoloration. Areas of necrosis are present within the central portion of the tumor. No calcification is identified. The remainder of the pulmonary parenchyma is dark red and congested. No other masses are identified grossly. The bone overlying the tumor

Claire B. Elliott, M.D.
Walter P. Little, M.D.
George V. Eisenhart, M.D.

Paul J. Biggs, M.D.
John A. Blackmon, M.D.

Hermann J. Lohmann, M.D.
Arthur S. Ludwig, Jr., M.D.
O. J. Staats, D.M.D., M.D.

SURGICAL PATHOLOGY REPORT

M13 SPR-203

Baptist Medical Center Montclair
800 Montclair Road
Birmingham, Alabama 35213

SURGICAL PATHOLOGY REPORT

PAGE 2

PATIENT	PRUITT, JAMES R	BIRTH DATE	3/35	ACCESSION NO.	87-M-1607
PHYSICIAN	CLAYTON DR O W	SURGERY DATE	3/10/87	REPORT DATE	3/11/87
LOCATION	SPC	AGE		SEX	M
		HOSPITAL NO.	302610		

shows no gross involvement by tumor. The muscle is also unremarkable. The skeletal muscle is also grossly unremarkable.

Specimen #3 is received in formalin and is labeled hilar. Present in the container in a separately wrapped piece of gauze labeled hilar is an apparent lymph node which measures 3.0 x 2.0 x 0.5 cm. The node is dark gray and shows no areas of calcification or firmness. It is bisected and half submitted in a single cassette labeled (#IIIH).

Also present in the container in a separately wrapped piece of gauze labeled mediastinal is a single fragment of tan tissue measuring 0.7 x 0.5 x 0.3 cm. It is soft and shows focal areas of hemorrhage. It is entirely submitted as received between sponges in a single cassette labeled (#IIIM).

Specimen #4 is received in formalin and is labeled portion of left lower lobe. Present in the container is a single piece of pulmonary parenchyma which weighs 17.4 gms. and measures 11.0 x 4.0 x 1.0 cm. The pleural surface is salmon with areas of hemorrhage and is remarkable for the presence of a recent incision which measures 10 cm. in length and is opposed by multiple sutures. Pulmonary parenchyma is dark red with focal areas of gray-black discoloration. No tumor or other abnormality is identified. Representative sections of the specimen are submitted in two cassettes labeled (#IV).

Specimen #5 is received in formalin and is labeled pleura of left chest. Present in the container is single piece of tissue which is irregularly shaped and measures 6.2 x 3.1 x 0.5 cm. One surface of the specimen is smooth and glistening and appears to represent a pleural surface. The opposite is very firm and tan-white. No areas of hemorrhage or necrosis are identified grossly. Representative sections are submitted for preliminary decalcification and will be submitted for permanent sectioning in two cassettes labeled (#V).

The final specimen is received in formalin and is labeled left lung. Present in the container is a lobectomy specimen which weighs 189 gms. and measures 21.0 x 15.0 x 6.0 cm. The pleural surface is remarkable for the presence of focal anthercotic pigmentation as well as a recent surgical incision measuring 10 cm. in length and opposed by multiple staples. The pulmonary parenchyma is dark red with focal areas of anthercotic pigmentation and shows no masses or areas of consolidation. Four apparent hilar lymph nodes which are dark gray-black and soft are identified. No abnormalities are seen.

SUMMARY OF SECTIONS

- (FSC#I) Remainder of tissue from frozen section hilar lymph node, two cassettes
(#I) Remainder of hilar lymph node, one cassette

Claire B. Elliott, M.D.
Walter P. Little, M.D.
George V. Eisenhart, M.D.

Paul J. Biggs, M.D.
John A. Blackmon, M.D.

Hermann J. Lohmann, M.
Arthur S. Ludwig, Jr., M.D.
O. J. Staats, D.M.D., M.D.

SURGICAL PATHOLOGY REPORT

M13 SPR-2

Baptist Medical Center Montclair
800 Montclair Road
Birmingham, Alabama 35213

SURGICAL PATHOLOGY REPORT

PAGE 3

PATIENT	PRUITT, JAMES R	BIRTH DATE	3/35	ACCESSION NO.	87-M-1607
PHYSICIAN	CLAYTON DR O W	SURGERY DATE	3/10/87	REPORT DATE	3/11/87
LOCATION	SPC	AGE		SEX	M
		HOSPITAL NO.	302610		

- (#IIFSCB) Bronchial margin, one cassette
 - (#IIFSC) Remainder of tissue from frozen section of tumor mass and anterior surface of intercostal muscle (margin), two cassettes
 - (#IIT) Representative sections of remainder of tumor, three cassettes
 - (#IILN) Peribronchial lymph nodes, one cassette
 - (#IINL) Grossly normal lung, one cassette
 - (#IIM) Section of intercostal muscles, one cassette
(Portion rib and overlying tumor mass, submitted for decalcification)
 - (#IIIH) Hilar lymph node, one cassette
 - (#IIIM) Mediastinal lymph node, one cassette
 - (#IV) Representative sections of left lower lobe, two cassettes
 - (VP) Sections of pleura of left chest (submitted for preliminary decalcification), two cassettes
 - (#VIBM) Bronchial margin of left lung, one cassette
 - (#VILN) Peribronchial lymph nodes of left lung, one cassette
 - (#VI) Sections of grossly normal left lung, two cassettes
- 3/10/87 gh/db

DIAGNOSIS: (1) Hilar lymph nodes: Benign follicular hyperplasia
(2) Left upper lobe: Moderately well differentiated adenocarcinoma

COMMENT: There is a marked fibrous reaction to the tumor. Focal lymphatic invasion is present. Necrosis and a mild chronic inflammatory infiltrate are identified.

Bronchial margin: Minute focus of neoplasm (see original frozen section slide)

Peribronchial lymph nodes: No tumor identified in two nodes examined.

Muscle: Adenocarcinoma

COMMENT: Sections of the external superficial intercostal muscles are examined. Several small clusters of tumor cells are present.

Rib: To be reported.

(3) Mediastinal lymph node: No tumor identified in one node examined.

Hilar lymph nodes: No tumor in two lymph nodes examined.

Claire B. Elliott, M.D.
Walter P. Little, M.D.
George V. Eisenhart, M.D.

Paul J. Biggs, M.D.
John A. Blackmon, M.D.

Hermann J. Lohmann, M.D.
Arthur S. Ludwig, Jr., M.D.
O. J. Staats, D.M.D., M.

SURGICAL PATHOLOGY REPORT

M13 SPR

Baptist Medical Center Montclair
800 Montclair Road
Birmingham, Alabama 35213

SURGICAL PATHOLOGY REPORT

PAGE 4

PATIENT	PRUITT, JAMES R	BIRTH DATE	35	ACCESSION NO.	87-M-1607
PHYSICIAN	CLAYTON DR O W	SURGERY DATE	3/10/87	REPORT DATE	3/11/87
LOCATION	SPC <i>Law</i> AGE <i>5</i> SEX M	HOSPITAL NO.	302610		

- (4) Left lower lobe: No histologic abnormality
- (5) Pleura: Fibrous thickening, no tumor present.
- (6) Left lung: No histologic abnormality.

Final bronchial margin of resection: No tumor present.

Peribronchial lymph nodes: No tumor present in four lymph nodes examined.

gh/jab/3-11-87
TR
decal

O. J. Staats, M.D.

Claire B. Elliott, M.D.
Walter P. Little, M.D.
George V. Eisenhart, M.D.

Paul J. Biggs, M.D.
John A. Blackmon, M.D.

Hermann J. Lohmann, M.
Arthur S. Ludwig, Jr., M.D.
O. J. Staats, D.M.D., M.D.

SURGICAL PATHOLOGY REPORT

M13 SPR-20

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APPOINTMENTS

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September 26, 2005

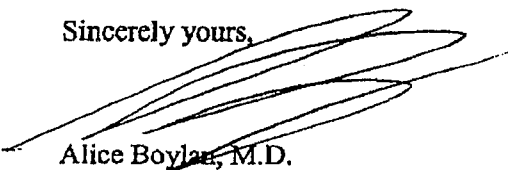
**Law Offices of G. Patterson Keahey
One Independence Plaza, Suite 612
Birmingham, AL 35209**

**RE: Edwin Semevolos
[REDACTED] 0736**

Dear Mr. Keahey:

I reviewed the information that you sent me concerning Mr. Semevolos. This includes an asbestos exposure history and a Pathology Report dated 12-13-02 revealing a core biopsy lung mass specimen containing small cell carcinoma of the lung, typical of previous asbestos exposure. From the above information, I have learned that Mr. Semevolos had a long-term exposure to airborne asbestos dust while employed as a boilermaker, installer, and operator for various companies from 1953-2002, and as a installer for the U.S. Army from 1958-1960. Having reviewed the occupational history and the Pathology Report indicating small cell carcinoma of the lung, it is my opinion, to a reasonable degree of medical certainty, that the changes revealed in the Pathology Report of 12-13-02 are causally related to Mr. Semevolos occupational exposure to asbestos. I also find there is an appropriate latency interval between Mr. Semevolos' first date of exposure versus his first date of diagnosis.

Sincerely yours,


Alice Boylan, M.D.
glc

3-3339
05/05 14:30

HUNTSVILLE HOSPITAL SYSTEM
(QAS3\$P) PAGE 001

SEMEVOLOS, EDWIN M
000044226403
CHANDLER JAMES MD ADM:12/28/02
REACT
COLLECTED: 12/30/02

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0 0 0 0 0
0000 00000 0 00000
0 0 0 0 0
0 0 0 0 0

PATHOLOGY REPORT

(NOTE)

SURGICAL PATHOLOGY REPORT

ACCESSION #: S02-20637

SPECIMEN(S) RECEIVED
A: FNA- RIGHT UPPER LUNG MASS CELL BLOCK
B: CORE BIOPSY-LUNG MASS

CLINICAL HISTORY

RIGHT UPPER LUNG MASS.

GROSS DESCRIPTION

(A). THE SPECIMEN CONSISTS OF MULTIPLE SLIDES RECEIVED FROM A FINE NEEDLE ASPIRATION FROM A "RIGHT UPPER LUNG MASS". THREE SLIDES ARE STAINED WITH DIFF-QUIK AND THREE WITH PAP STAIN. ALSO RECEIVED IS MATERIAL IN 20 CC OF MUCOLEXX WHICH IS SENT FOR PAP STAINED CYTOSPIN PREPARATIONS AND CELL BLOCK.

(B). THE SPECIMEN IS RECEIVED IN A CONTAINER WITH FORMALIN LABELED WITH THE PATIENT'S NAME ONLY AND THE REQUEST SLIP STATES "CORE BIOPSY LUNG MASS" AND CONSISTS OF A FEW FRAGMENTS OF RED SOFT TISSUE AND CORES WITH AN AGGREGATE LENGTH OF 0.6 CM AND DIAMETER LESS THAN 0.1 CM, ENTIRELY SUBMITTED IN ONE BLOCK.
(CMK:BLM)

MAE/12/30/02

CHERYL M. KIRK, M.D.

FINAL PATHOLOGIC DIAGNOSIS

(A). RIGHT UPPER LUNG MASS, FINE NEEDLE ASPIRATION, CYTOLOGY AND CELL BLOCK:

- SMALL CELL CARCINOMA.

(B). CORE BIOPSY LUNG MASS:

- SMALL CELL CARCINOMA.

SEE COMMENT.

CPT: 305 X 2, 374

CMK/LC

COMMENT

DR. HONKANEN HAS REVIEWED THIS CASE AND AGREES WITH THIS INTERPRETATION. (BLM)

ELECTRONICALLY SIGNED OUT

CONTINUED

SEMEVOLOS, EDWIN

PATHOLOGY REPORT

Dec 10 04 06:23p

Law Office Of G. Patterson 2058710801

P. 44

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(843) 792-9200

LC188

December 10, 2004

Law Offices of G. Patterson Keahey
One Independence Plaza, Suite 612
Birmingham, AL 35209

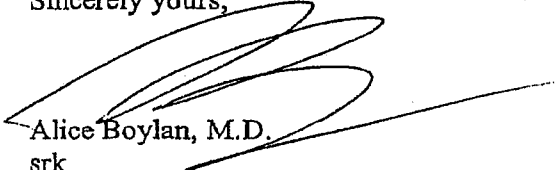
RE: Isaac L. Gibson

[REDACTED] 0990

Dear Mr. Keahey:

I reviewed the information that you sent me concerning Mr. Gibson. This includes an asbestos exposure history and a Pathology Report dated 07-11-02. The Pathology Report reveals squamous cell carcinoma in situ of the larynx, typical of previous asbestos exposure indicating asbestosis. From the above information, I have learned that Mr. Gibson had a long-term exposure to airborne asbestos dust while employed as a laborer for two companies from 1957-present. Having reviewed the occupational history and the Pathology Report indicating squamous cell carcinoma in situ of the larynx, it is my opinion, to a reasonable degree of medical certainty, that the changes revealed in the Pathology Report of 07-11-02 are causally related to the disease asbestosis because of Mr. Gibson's occupational exposure to asbestos. I also find there is an appropriate latency interval between Mr. Gibson's first date of exposure versus his first date of diagnosis.

Sincerely yours,


Alice Boylan, M.D.

srk

LANIER HEALTH SERVICES
4800 48TH STREET
VALLEY, ALABAMA 36854

D. A. Rao, M.D. FCAP, Director of Laboratory

Name:	GIBSON ISAAC L	Patient Number:	838949
Stay Type:	O/P	MR Number:	118728
Date of Birth:	1940	Room:	
Admit Date:	07/11/02	Discharge Date:	07/11/02
Age:	62	Sex:	M
Admitting Phys:	GARCIA R	Referring Phys:	
Report Location:		Order Number:	64856

Unsigned transcriptions are preliminary reports and do not represent a medical or legal document

SURGICAL PATHOLOGY REPORT

SPECIMEN COLLECTED DATE/TIME: 07-11-02 0750

SPECIMEN RECEIVED DATE/TIME: 07-11-02 0852

SURGICAL PATH NO.: S-2803-02

PREOP DIAGNOSIS: Hoarseness

SPECIMEN: Bx lt vocal cord

PATHOLOGICAL DIAGNOSIS: Several portions of vocal cord tissue with squamous cell carcinoma in situ

NOTE: Because most of the tissue happens to be from the surface invasion cannot be evaluated and cannot be ruled out. In view of this, a further evaluation is suggested.

GROSS DESCRIPTION: Specimen consists of several portions of grayish, pinkish, soft, mucosal like tissue measuring 1 1/2 cm in aggregate. Specimen submitted for histological examination.

MICROSCOPIC DESCRIPTION: Microscopic examination shows several portions of vocal cord tissue. The vocal cord tissue is showing severe dysplasia and carcinoma in situ. Most of the tissue is from the surface only. In view of this, invasion cannot be evaluated.

REPORT COMPLETED: 07-12-02 1336


D. A. Rao, M.D. FCAP, Pathologist

dh

26

Isaac Gibson

DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICEDATE OF RADIOGRAPH
MONTH DAY YEAR
12 21 2006CENTERS FOR DISEASE CONTROL
National Institute for Occupational Safety and Health
Federal Mine Safety and Health Act of 1977
Medical Examination ProgramCoal Workers' Health Surveillance Program
NIOSH
PO Box 4258
Morgantown, West Virginia 26504

WORKER'S Social Security Number

ROENTGENOGRAPHIC INTERPRETATION

[REDACTED] 0990

TYPE OF READING

☐ A ☒ B ☐ P

FACILITY IDENTIFICATION

[REDACTED]

Note: Please record your interpretation of a single film by placing an "x" in the appropriate boxes on this form.

1. FILM QUALITY		<input type="checkbox"/> Overexposed (dark)	<input type="checkbox"/> Improper position	<input type="checkbox"/> Underinflation
<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 3	<input checked="" type="checkbox"/> Underexposed (light)	<input type="checkbox"/> Poor contrast	<input type="checkbox"/> Mottle
(If not Grade 1, mark all boxes that apply)		<input type="checkbox"/> Artifacts	<input type="checkbox"/> Poor processing	<input checked="" type="checkbox"/> Other (please specify)
2A. ANY PARENCHYMAL ABNORMALITIES CONSISTENT WITH PNEUMOCONIOSIS? YES <input checked="" type="checkbox"/> Complete Sections 2B and 2C NO <input type="checkbox"/> Proceed to Section 3A				
2B. SMALL OPACITIES		2C. LARGE OPACITIES		
a. SHAPE/SIZE		b. ZONES		c. PROFUSION
PRIMARY SECONDARY		R L		0/- 0/0 0/1
p q r u		UPPER MIDDLE LOWER		1/1 1/2 2/1 2/2 2/3 3/2 3/3 3/4
p q r u		[X] [X]		
3A. ANY PLEURAL ABNORMALITIES CONSISTENT WITH PNEUMOCONIOSIS? YES <input type="checkbox"/> Complete Sections 3B, 3C NO <input checked="" type="checkbox"/> Proceed to Section 4A				
3B. PLEURAL PLAQUES (mark site, calcification, extent, and width)				
Chest wall Site Calcification Extent (chest wall; combined for in profile and face on) Width (in profile only)				
In profile Face on Diaphragm Other site(s)				
[Grids for site, calcification, extent, and width]				
3C. COSTOPHRENIC ANGLE OBLITERATION R L Proceed to Section 3D NO <input checked="" type="checkbox"/> Proceed to Section 4A				
3D. DIFFUSE PLEURAL THICKENING (mark site, calcification, extent, and width)				
Chest wall Site Calcification Extent (chest wall; combined for in profile and face on) Width (in profile only)				
In profile Face on				
[Grids for site, calcification, extent, and width]				
4A. ANY OTHER ABNORMALITIES? YES <input checked="" type="checkbox"/> Complete Sections 4B, 4C, 4D, 4E NO <input type="checkbox"/> Proceed to Section 5				
4B. OTHER SYMBOLS (OBLIGATORY)				
[Grids for symbols]				
4E. Should worker see personal physician because of findings in section 4? YES <input type="checkbox"/> NO <input type="checkbox"/> Date Physician or Worker notified? MONTH DAY YEAR				

5. PHYSICIAN'S Social Security Number*

[REDACTED]

*Furnishing your social security number is voluntary. Your refusal to provide this number will not affect your right to participate in this program.

FILM READER'S

INITIALS

AJS

DATE OF READING

MONTH

DAY

YEAR

07

03

2007

S. C. H. O. N. F. E. L. D. A. L. V. I. N. J. 438 W. ST. JAMES PL
LAST NAME - STREET ADDRESS

C. H. I. C. A. G. O.

CITY CDC/NIOSH (M) 2.8
REV. 6/02

ZIP CODE

Exhibit 2

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Social Security Death Index Search Results

81,074,156 Records
last updated on 2-22-2008

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Field	Value	Records	Results
SSN	██████████4511	1	

Viewing 1-1 of 1

Name	Birth	Death	Last Residence	Last Benefit	SSN	Issued	Tools	Order Record?
HAROLD W COX	██████████ 1943	02 Feb 2005 (V)	35062 (Dora, Walker, AL)	(none specified)	██████████-4511	Alabama	SS-5 Letter Add Post-em Search Ancestry.com	

Viewing 1-1 of 1

(V)=(Verified) Report verified with a family member or someone acting on behalf of a family member.
(P)=(Proof) Death Certificate Observed.

Last name	<input type="text"/>	Exact	<input type="checkbox"/>
First Name	<input type="text"/>		
Middle Name	<input type="text"/>	(initial)	
SSN	<input type="text" value="██████████4511"/>		
Last Residence		Last Benefit	
Zip	<input type="text"/>		
State	<input type="text"/>		
County	<input type="text"/>		
City	<input type="text"/>		
Birth			
Year	<input type="text"/>	Month	<input type="text" value="Any"/>
		Day	<input type="text" value="Any"/>
Death			
Year	<input type="text"/>	Month	<input type="text" value="Any"/>
Issue	<input type="text" value="Any State"/>		
<input type="button" value="Submit"/> <input type="button" value="Clear"/> <input type="button" value="Simple Search"/>			



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Field	Value	Records	Results
Last Name	EVANS	115414	115414
First Name	MELVIN	104803	152
Birth Year	1938	506670	3

Viewing 1-3 of 3

Name	Birth	Death	Last Residence	Last Benefit	SSN	Issued	Tools	Order Record?
MELVIN EVANS	1938	12 Nov 2005 (V)	36482 (Whatley, Clarke, AL)	(none specified)	-2416	Alabama	SS-5 Letter Add Post-em Search Ancestry.com	
							SS-5 Letter Add Post-em Search Ancestry.com	

Viewing 1-3 of 3

(V)=(Verified) Report verified with a family member or someone acting on behalf of a family member.
(P)=(Proof) Death Certificate Observed.

Last name

First Name

Middle Name (initial)

SSN

Last Residence Last Benefit

Zip

State



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last updated on 2-22-2008

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Field	Value	Records	Results
Last Name	JONES	442770	442770
First Name	CHARLES	1105643	5897
Birth Year/Month	1939	40872	9

Viewing 1-9 of 9

Name	Birth	Death	Last Residence	Last Benefit	SSN	Issued	Tools	Order Record?
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	SS-5 Letter Add Post-em Search Ancestry.com	
CHARLES R JONES	[REDACTED] 1939	28 Dec 2004 (V)	36276 (Wadley, Randolph, AL)	(none specified)	[REDACTED]-2289	Alabama	SS-5 Letter Add Post-em Search Ancestry.com	

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Field	Value	Records	Results
SSN	██████ 8403	1	

Viewing 1-1 of 1

Name	Birth	Death	Last Residence	Last Benefit	SSN	Issued	Tools	Order Record?
MAVIS O KELLY	██████ 1925	18 Dec 2003 (V)	35180 (Warrior, Jefferson, AL)	(none specified)	██████-8403	Alabama	SS-5 Letter Add Post-em Search Ancestry.com	

Viewing 1-1 of 1

(V)=(Verified) Report verified with a family member or someone acting on behalf of a family member.

(P)=(Proof) Death Certificate Observed.

Last name

First Name

Middle Name (initial)

SSN ████████ 8403

Last Residence

Zip

State

County

City

Last Benefit

Birth

Year Month Day

Death

Year Month

Issue Any State

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Field	Value	Records	Results
SSN	[REDACTED]	1	

Viewing 1-1 of 1

Name	Birth	Death	Last Residence	Last Benefit	SSN	Issued	Tools	Order Record?
JAMES R PRUITT	[REDACTED] 1935	06 Sep 2006 (V)	35962 (Crossville, De Kalb, AL)	(none specified)	[REDACTED]-8214	Alabama	SS-5 Letter Add Post-em Search Ancestry.com	

Viewing 1-1 of 1

(V)=(Verified) Report verified with a family member or someone acting on behalf of a family member.
(P)=(Proof) Death Certificate Observed.

Last name

First Name

Middle Name (initial)

SSN

Last Residence

Zip

State

County

City

Last Benefit

Zip

State

County

City

Birth

Year Month Day

Death

Year Month

Issue Any State

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Social Security Death Index Search Results

81,074,156 Records
last updated on 2-22-2008

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Field	Value	Records	Results
SSN	[REDACTED]	1	

Viewing 1-1 of 1

Name	Birth	Death	Last Residence	Last Benefit	SSN	Issued	Tools	Order Record?
EDDY SEMEVOLOS	[REDACTED] 1939	11 Feb 2005 (V)	35757 (Madison, Madison, AL)	(none specified)	[REDACTED]-0736	North Dakota	SS-5 Letter Add Post-em Search Ancestry.com	

Viewing 1-1 of 1

(V)=(Verified) Report verified with a family member or someone acting on behalf of a family member.
(P)=(Proof) Death Certificate Observed.

Last name	<input type="text"/>	Exact	<input type="checkbox"/>
First Name	<input type="text"/>		
Middle Name	<input type="text"/>	(initial)	
SSN	<input type="text"/>		
Last Residence		Last Benefit	
Zip	<input type="text"/>		
State	<input type="text"/>		
County	<input type="text"/>		
City	<input type="text"/>		
Birth			
Year	<input type="text"/>	Month	<input type="text"/> Any <input type="checkbox"/>
		Day	<input type="text"/> Any <input type="checkbox"/>
Death			
Year	<input type="text"/>	Month	<input type="text"/> Any <input type="checkbox"/>
Issue	<input type="text"/> Any State <input type="checkbox"/>		
<input type="button" value="Submit"/> <input type="button" value="Clear"/> <input type="button" value="Simple Search"/>			

Exhibit 3

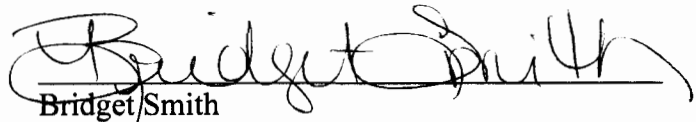
STATE OF MISSISSIPPI
COUNTY OF FORREST

AFFIDAVIT OF BRIDGET SMITH

My name is Bridget Smith and I have personal knowledge of the matters in this affidavit.

On March 27, 2008, I placed a telephone call to the clerk of the Probate Court of Walker County, Alabama, requesting information on any estate that may have been established for Harold W. Cox. I was informed by Deputy Probate Clerk, Julia Cage, that no estate had been established for Harold W. Cox in the Probate Court of Walker County, Alabama.

FURTHER AFFIANT SAYETH NAUGHT.


Bridget Smith

Sworn to and subscribed before me on this the 27th day of March, 2008.


NOTARY PUBLIC

My Commission Expires:



STATE OF MISSISSIPPI
COUNTY OF FORREST

AFFIDAVIT OF BRIDGET SMITH

My name is Bridget Smith and I have personal knowledge of the matters in this affidavit.



On March 27, 2008, I placed a telephone call to the clerk of the Probate Court of Clarke County, Alabama, requesting information on any estate that may have been established for Melvin Evans. I was informed by Deputy Probate Clerk, Renee Luker, that no estate had been established for Melvin Evans in the Probate Court of Clarke County, Alabama.

FURTHER AFFIANT SAYETH NAUGHT.


Bridget Smith

Sworn to and subscribed before me on this the 27th day of March, 2008.

My Commission Expires



NOTARY PUBLIC

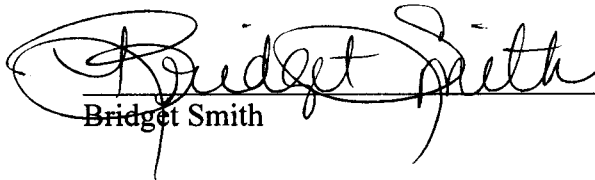
STATE OF MISSISSIPPI
COUNTY OF FORREST

AFFIDAVIT OF BRIDGET SMITH

My name is Bridget Smith and I have personal knowledge of the matters in this affidavit.

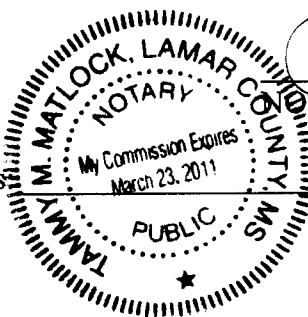

On March 28, 2008, I placed a telephone call to the clerk of the Probate Court of Jefferson County, Alabama, requesting information on any estate that may have been established for Mavis O. Kelly. I was informed by Deputy Probate Clerk, Janice Roy, that a Petition for Probate had been filed in the Estate of Mavis O. Kelly in the Probate Court of Jefferson County, Alabama on by Judy L. Partrain on October 16, 2007.

FURTHER AFFIANT SAYETH NAUGHT.


Bridget Smith

Sworn to and subscribed before me on this the 28th day of March, 2008.

My Commission Expires



NOTARY PUBLIC

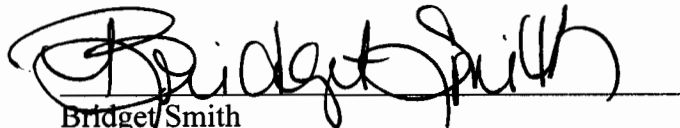
STATE OF MISSISSIPPI
COUNTY OF FORREST

AFFIDAVIT OF BRIDGET SMITH

My name is Bridget Smith and I have personal knowledge of the matters in this affidavit.

On March 27, 2008, I placed a telephone call to the clerk of the Probate Court of Randolph County, Alabama, requesting information on any estate that may have been established for Charles R. Jones. I was informed by Deputy Probate Clerk, Debra Lane, that a Petition for Letters of Administration had been filed in the Estate of Charles R. Jones in the Probate Court of Randolph County, Alabama on by Sara Jones on March 18, 2008.

FURTHER AFFIANT SAYETH NAUGHT.


Bridget Smith

Sworn to and subscribed before me on this the 27th day of March, 2008.

My Commission Expires




NOTARY PUBLIC

IN THE MATTER OF THE ESTATE OF
CHARLES R. JONES

PROBATE COURT OF
RANDOLPH COUNTY, ALABAMA

CASE NO.: _____

Deceased

PETITION FOR LETTERS OF ADMINISTRATION

Comes the petitioner, Sara Jones, and respectfully shows the Court the following facts:

1. Charles R. Jones (the "Decedent") died in Randolph County, State of Alabama, on or about December 28, 2004, and at the time of such death was an inhabitant of Randolph County, Alabama.
2. Said death has been known for more than five (5) days; and the Decedent left no last will and testament.
3. The Decedent left assets in Randolph County, Alabama. All of the properties, real and personal, of which the Decedent died seized and possessed are estimated to be worth approximately \$100 and probably not more.
4. The names, ages, conditions, relationships, and residences of the surviving spouse, heirs and distributees of the decedent's estate are as follows:

Name, age, condition, relationship	Address
Charles R. Jones, Jr., son, over 21 and of sound mind and body	3479 County Road 26 Wadley, AL 36276
Timothy Brandon Jones, son, over 21 and of sound mind and body	4385 County Road 65 Roanoke, AL 36274

5. The petitioner is the spouse of the Decedent, is a resident of the State of Alabama, is over nineteen (19) years of age, is in no respect disqualified under the law from serving as administrator of the decedent's estate, and is entitled to administer said estate by right of priority pursuant to Ala. Code §43-2-42.

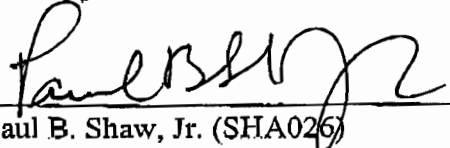
Filed In Office

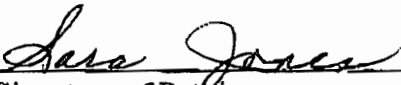
MAR 18 2008

Judge of Probate

WHEREFORE, believing that said estate should be immediately administered to the end that said properties may be collected and preserved for those who shall appear to have legal right or interest therein, the petitioner prays that the Probate Judge of this Court grant letters of administration on the decedent's estate to the petitioner upon the petitioner's entering into bond in such sum as is required by statute and with such security or securities as shall be approved by said Judge and Court. This Petition does not require verification under applicable statutes.

Attorney for Petitioner:


Paul B. Shaw, Jr. (SHA026)


Signature of Petitioner

SHAW~ANDERSON, LLC
2924 Crescent Avenue
Birmingham, Alabama 35209
(205) 871-9550

Sara Jones
3515 County Road 26
Wadley, AL 36276

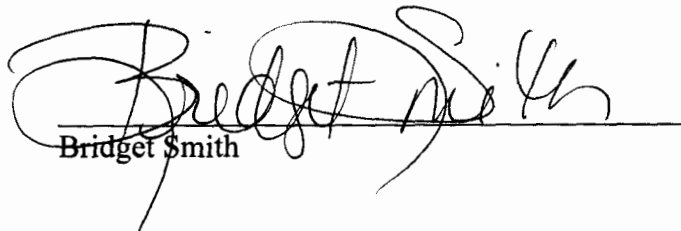
STATE OF MISSISSIPPI
COUNTY OF FORREST

AFFIDAVIT OF BRIDGET SMITH

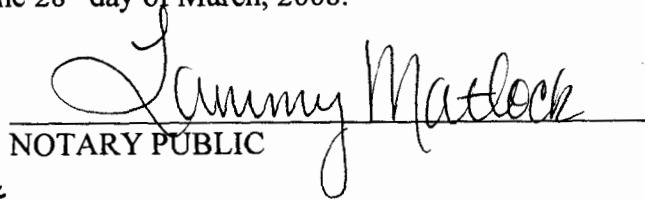
My name is Bridget Smith and I have personal knowledge of the matters in this affidavit.

On March 27, 2008, I placed a telephone call to the clerk of the Probate Court of Madison County, Alabama, requesting information on any estate that may have been established for Eddy Semevolos. I was informed by the Ashley Whitt, Deputy Probate Clerk, that an estate was established for Eddy Semevolos on November 28, 2006.

FURTHER AFFIANT SAYETH NAUGHT.


Bridget Smith

Sworn to and subscribed before me on this the 28th day of March, 2008.


NOTARY PUBLIC

My Commission Expires

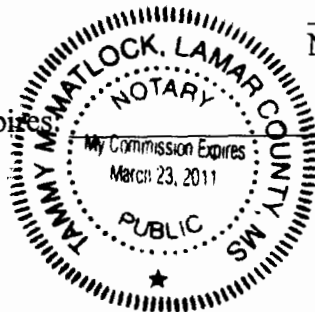


Exhibit 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: ASBESTOS PRODUCTS
LIABILITY LITIGATION (NO. VI)**

CIVIL ACTION NO.: MDL 875

This Document Relates to:

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

ROBERT D. BELUE, ET AL.

PLAINTIFFS

V.

A.O. SMITH ELECTRICAL
PRODUCTS, CO., ET AL.

DEFENDANTS

CIVIL ACTION NO. 2:06-1034

SCHEDULE

U.S. District Court
Middle District of Alabama
CIVIL DOCKET FOR CASE #: 2:06-1034-WKS

Assigned to: Judge William Keith Watkins

Robert D. Belue

Jack Boyer

Betty Cox
individually and as Representative of the
Estate of Harold W. Cox, Sr.

Johnny A. Davis

Ethel Evans
individually and as Representative of the
Estate of Melvin Evans

Issac L. Gibson

Sara Jones
individually and as Representative of the
Estate of Charles R. Jones

Barbara Jones
individually and as Representative of the
Estate of Walter Jones

Judy Partain
individually and as Representative of the
Estate of Mavis Kelly

Ronald Norris

Penelope Perakis

Walter Powell

James Pruitt

Donna Cagle
individually and as Representative of the
Estate of Edwin Semevolos

Frank Walther

v.

A.O. SMITH ELECTRICAL PRODUCTS COMPANY, a division of A.O. SMITH
CORPORATION; **(DISMISSED)**

A.O. SMITH CORPORATION; **(DISMISSED)**
ALBANY INTERNATIONAL;

ALLIS-CHALMERS CORPORATION;

AMERICAN STANDARD, INC.;

ARVINMERITOR, INC.;

ASTEN JOHNSON, INC., individually and as successor-in-interest to ASTEN, INC.,
successor-in-interest by way of name change to ASTEN GROUP, INC., formerly trading as
ASTEN-HILLS MANUFACTURING CO.;

BAYER CROPSCIENCE, INC., individual and as successor to AVENTIS CROPSCIENCE USA, INC. f/k/a RHONE-POULENCE AG CO., f/k/a AMCHEM, PRODUCTS, INC., BENJAMIN FOSTER CO.;

BELL & GOSSETT, a subsidiary of ITT INDUSTRIES;

BECHTEL CONSTRUCTION COMPANY;

BONDEX INTERNATIONAL INC.;

BORG WARNER CORPORATION by its successor in interest, BORGWARNER MORSE TEC INC.;

BP AMERICA, as successor in interest to AMOCO CHEMICAL COMPANY, AMOCO CHEMICALS COMPANY, PLASKON ELECTRONIC MINERALS, AVISUNCORP., CARBORUNDUM, ATLANTIC RICHFIELD COMPANY/ARCO METALS, as successor in interest to ANACONDA AMERICAN BRASS COMPANY, AMERICAN BRASS COMPANY, and ANACONDA COMPANY;

BP AMOCO CHEMICAL COMPANY;

BUFFALO PUMP INC.;

CLARK-RELIANCE CORPORATION;

CLEAVER BROOKS, a division of AQUA CHEM;

CONWED CORPORATION;

COOPER INDUSTRIES, LLC, f/n/a COOPER INDUSTRIES, INC., individually and as successor-in-interest to CROUSE-HINDS;

CRANE CO., individually and as successor in interest to DEMING PUMP, CYCLOTHERM, HYDRO-AIRE, LEAR ROMEC, RESISTOFLEX, SWARTWOUT CO., STOCKHAM VALVE COMPANY, WEINMAN PUMP COMPANY, CHEMPUMP, and BURKS PUMPS;

CRANE PUMPS SYSTEMS, individually and as successor to all pump companies acquired by CRANE;

CUTLER HAMMER, currently referred to as EATON ELECTRICAL, INC.;

EATON CORPORATION;

EMERSON ELECTRIC CO.;

EXTECO, INC., f/k/a THERMO ELECTRIC CO., INC.;

FMC CORPORATION, individually and on behalf of its former CONSTRUCTION EQUIPMENT GROUP, and former PEERLESS PUMP DIVISION, COFFIN TURBO PUMPS, and CHICAGO PUMP, business;

FLAME REFRACTORIES, INC.;

FOSECO, INC.;

FOSTER-WHEELER CORPORATION;

GARLOCK SEALING TECHNOLOGIES L.L.C.;

GENERAL ELECTRIC CO.;

GOODYEAR TIRE AND RUBBER CO.;

GOULDS PUMPS INC.;

HARNISCHFEGGER CORPORATION;

HOBART BROTHERS COMPANY;

HONEYWELL, INC., specifically excluding liability for NARCO, individually and as successor to ALLIED SIGNAL, BENDIX, WHEELABRATOR, RUST ENGINEERING, AND ALLIED CHEMICAL;

IMO INDUSTRIES, INC., formerly IMO DE LAVAL, formerly TRANSAMERICA DE LAVAL TURBINE;

INDUSTRIAL HOLDINGS CORPORATION, f/k/a THE CARBORUNDUM COMPANY;

INGERSOLL-RAND COMPANY;

ITT INDUSTRIES INC.;

JOHN CRANE, INC., f/k/a JOHN CRANE PACKING COMPANY;

KAISER GYPSUM COMPANY, INC.;

KELLY-MOORE PAINT COMPANY, INC.;

THE LINCOLN ELECTRIC COMPANY;

MAREMONT CORPORATION;

METROPOLITAN LIFE INSURANCE COMPANY;

NIKKO MATERIALS USA, INC., d/b/a GOULD ELECTRONICS, INC., individually and as successor in interest to GOULDS, INC., IMPERAL CORPORATION, EASTMAN CORPORATION, IMPERIAL EASTMAN CORPORATION, ITE CIRCUIT BREAKER COMPANY, and CENTURY ELECTRIC;

OAKFABCO INC., successor-in-interest to KEWANEE BOILER;

OGLEBAY NORTON COMPANY;

OWENS-ILLINOIS, INC.;

P&H CRANES;

PNEUMO ABEX LLC, successor in interest to ABEX CORPORATION;

RAPID AMERICAN CORPORATION;

ROCKWELL AUTOMATION, successor by merger to ALLEN-BRADLEY CO., LLC;

SQUARE D COMPANY;

STANDARD EQUIPMENT COMPANY, INC.; **(DISMISSED)**
SUNBEAM PRODUCTS INCORPORATED, f/k/a SUNBEAM CORPORATION;

SURFACE COMBUSTION;

TH AGRICULTURE & NUTRITION, LLC;

THE MARLEY-WYLAIN COMPANY, d/b/a WELL-MCLAIN COMPANY, INC.;

UNION CARBIDE CORPORATION;

UNIROYAL FIBER AND TEXTILE & DIVISION OF UNIROYAL, INC.;

VIACOM INC., successor by merger to CBS CORPORATION f/k/a WESTINGHOUSE ELECTRIC CORPORATION

Exhibit 5

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re: Asbestos Products Liability Litigation (No. VI); MDL 875

Regarding:
THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

ROBERT D. BELUE, ET AL.)	
)	
PLAINTIFFS)	
)	
V.)	CIVIL ACTION NO. 2:06-1034
)	
A.O. SMITH ELECTRICAL)	
PRODUCTS, CO., ET AL.)	
)	
DEFENDANTS)	

ORDER GRANTING MOTION FOR PARTIAL SUMMARY JUDGEMENT

CAME ON FOR CONSIDERATION the MOTION FOR PARTIAL SUMMARY JUDGEMENT filed by Borg-Warner Corporation by its Successor, BorgWarner Morse TEC, Inc.; Exteco, Inc. f/k/a Thermo Electric Co. Inc.; and the Marley-Wylain Company d/b/a Weil-McLain Company, Inc. The Court, having fully considered said Motion, and otherwise being fully advised in the premises, finds that the Motion is well-taken and should be granted.

IT IS, THEREFORE, ORDERED that the Complaint, all amendments thereto, and all claims and causes of actions encompassed by the Complaint, and amendments thereto, including all claims or causes of action which were, or might have been,

asserted by the Plaintiffs listed on Exhibit A against ALL DEFENDANTS, shall be and the same are hereby dismissed with prejudice, with each party to bear their own costs of the Court.

SO ORDERED this the ____ day of _____, 20__.

HONORABLE JAMES T. GILES, U.S.D.J.

SUBMITTED BY:

Thomas W. Tyner, MSB # 8170
Christopher O. Massenburg, MSB # 100182
Rocky W. Eaton, MSB # 9632
Aultman, Tyner, Ruffin & Swetman, Ltd.
P.O. Drawer 750
Hattiesburg, MS 39403-0750
Phone: (601) 583-2671
Fax: (601) 583-2677

Exhibit A

1. Robert D. Belue
2. Betty Cox individually and as Representative of the Estate of Harold W. Cox, Sr.
3. Johnny A. Davis
4. Ethel Evans individually and as Representative of the Estate of Melvin Evans
5. Issac L. Gibson
6. Sara Jones individually and as Representative of the Estate of Charles R. Jones
7. Judy Partain individually and as Representative of the Estate of Mavis Kelly
8. Walter Powell
9. James Pruitt
10. Donna Cagle individually and as Representative of the Estate of Edwin Semevolos